

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 7260 of 1990****For Approval and Signature:****HONOURABLE MR.JUSTICE M.R. SHAH**

- =====
- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
 - 2 To be referred to the Reporter or not ?
 - 3 Whether their Lordships wish to see the fair copy of the judgment ?
 - 4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
 - 5 Whether it is to be circulated to the civil judge ?

=====

NURJAHANBEN WD/O GULABHAI & 2 - Petitioner(s)
Versus
MAMLATDAR & 6 - Respondent(s)

=====

Appearance :

MR UI VYAS for Petitioner(s) : 1 - 3.
M/S PATEL ADVOCATES for Respondent(s) : 1,
MR MR MENGADE ASST GOVT PLEADER FOR STATE AUTHORITY.

=====

CORAM : HONOURABLE MR.JUSTICE M.R. SHAH**Date : 11/10/2005****ORAL JUDGMENT**

1. In this petition under Article 227 of the Constitution of India, the petitioner has challenged the legality and validity of the judgment and order passed by the Gujarat Revenue Tribunal passed in

Revision Application No. 973 of 1986 in dismissing the same and confirming the order passed by the Mamlatdar & ALT (Ceiling) dated 31.12.85 in declaring 30-Acres and 35-Gunthas land as surplus land under the Gujarat Agricultural Lands Ceiling Act from the land bearing Survey No.1909 confirmed by the Dy. Collector, (Appeals), Ahmedabad by its judgment and order dated 20th May, 1986 passed in Ceiling Appeal No. 27/86.

2. Shri U.I.Vyas, learned advocate appearing on behalf of the petitioner has vehemently submitted that the Gujarat Revenue Tribunal has materially erred in dismissing the Revision Application and confirming the order passed by the Mamlatdar & ALT, Dholka passed in Ceiling Case No.22/77 and declared the land admeasuring 30-Acres and 35-Gunthas as surplus land under the provisions of the Gujarat Urban Land Ceiling Act that too from the land bearing Survey No. 1909 and therefore, it is requested to allow the present Special Civil Application. It is required to be noted that so far as declaring of surplus land i.e. admeasuring land Acres-30-35-

Gunthas is concerned the same was already confirmed earlier and the matter was remanded to the Mamlatdar & ALT, Dholka only for the purpose of selection of the land and therefore, the contention of the petitioner challenging the declaration of the surplus land cannot be accepted and it is now not open for the petitioner to contend and/or challenge the order passed by the Mamlatdar declaring the land as surplus land under the provisions of the Gujarat Urban Land Ceiling Act. It is also required to be noted that nobody remained present on behalf of the petitioner for the selection of the land before the Mamlatdar & ALT, though twice the notices were issued by the Mamlatdar & ALT to remain present before him for selection of the land and thereafter, the impugned order came to be passed which came to be confirmed by the Gujarat Revenue Tribunal. It is also required to be noted that in view of the above the Gujarat Revenue Tribunal ultimately dismissed the Revision Application.

3. This is a petition under Article 227 of the Constitution of India. This Court has gone through

the order passed by the Mamlatdar & ALT, so also the Dy. Collector as well as the Gujarat Revenue Tribunal and after going through the same, this Court is of the firm opinion that there is no illegality committed by any of the authorities below and the orders passed by the authorities below are not contrary to the evidence on record and the same obviously does not call for any interference of this Court under Article 227 of the Constitution of India. Even otherwise, there is no jurisdictional error, much less an error of law committed by the Gujarat Revenue Tribunal which requires to be interfered with by this Court hence, there is no substance in the present Special Civil Application and the same is required to be dismissed and is, accordingly, dismissed.

4. In the result, the petition fails. Rule is discharged. Ad-interim relief, if any, granted earlier stands vacated forthwith. However, there will be no order as to costs.

(M.R.SHAH, J.)

=kailash=